

REMARKS

Claims 1-23, 28-52 and 56-58 are pending in the action, with claims 1, 8, 15, 20, 28, 33 and 53-58 being independent. Claims 5-6 and 12-13 are canceled, without prejudice or disclaimer of the subject matter recited therein. Claims 1, 8, 20 and 33 are amended. Support for these amendments can be found, for example, in FIGs. 4 and 5 and their corresponding section(s) of the specification.

Claims 1-6, 8-12, 14, 33-44 and 56-58 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over US Pub. No. 2003/01212791 to **Pickup** in view of USP No. 6,249,805 to **Fleming**.

Claims 7 and 13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** and **Fleming**, and further in view of USP No. 6,023,723 to **McCormick**.

Claims 20-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **McCormick**.

Claims 15-19 and 28-32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Rounthwaite** (USP No. 7,219,148), and further in view of US Pub. No. 2005/0021649 to **Goodman**.

Claims 45-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Fleming**, and further in view of US Pub. No. 2004/0034694 to **Brown**.

Claims 50-52 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Fleming**, and further in view of USP No. 7,219,148 to **Rounthwaite**.

Applicant respectfully traverses these rejections. Reconsideration and allowance of the above-referenced application are respectfully requested in light of the following comments and remarks.

Section 103(a) Rejections

Claims 1-6, 8-12, 14, 33-44 and 56-58 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Fleming**. Applicant respectfully traverses this rejection.

Claim 1 recites in part distributing a white list among a plurality of spam filters in a messaging system.

In the statement of rejection, the Examiner asserts that Pickup does not teach or suggest these features, and relies upon col. 5, lines 1-10 of Fleming to cure the deficiencies of Pickup. *See* page 5, lines 1-7 of the Office Action.

Applicant respectfully disagrees with the Examiner's assertion. Referring to col. 5, lines 1-3, Fleming's electronic mail ("email") system includes an authorization component that maintains a global authorized sender list. An administrator of a company uses the authorization component to ensure that employees do not receive unauthorized email messages. *See* col. 4, line 65 to col. 5, line 1.

Applicant submits that the relied upon portions of Fleming do not teach or suggest distributing the global authorized sender list among a plurality of spam filters. As expressly stated in Fleming, the administrator maintains the global authorized sender list, and assigns each email to either a user's inbox or junk mail folder based on whether a sender of the email is on the global authorized sender list. *See* col. 5, lines 1-3 and lines 14-17. This global authorized sender list is a centralized, system-wide list that is used only by the administrator, not the spam filters associated with the employees. This is expressly supported at col. 5, lines 8-11 where Fleming states that the global authorized sender list serves to relieve each individual employee of maintaining the global authorized sender list, indicating that the global authorized sender list is a centralized list maintained and used only by a single authority – the administrator. Because the global authorized sender list is controlled and maintained only by a single entity (i.e., Fleming's administrator), Fleming need not (and certainly does not) distribute the global authorized sender list to any spam filter. Indeed, because Fleming does not distribute the global authorized sender list, Fleming allows an individual employee to create a personalized sender list local to the employee to suit the employee's needs. *See* col. 5, lines 11-14. This personalized list, however, also is not distributed to any spam filter associated with any other employee.

For at least the foregoing reasons, Applicant respectfully submits that the proposed combination of Pickup and Fleming does not render claim 1 obvious. Claims 2-4 depend from claim 1, and also are submitted to be allowable for at least the same reasons discussed above

with respect to claim 1. Claims 5-6 are canceled, rendering the rejection thereof moot.

Claim 8

Claim 8 recites in part determining, using **a locally stored list of confirmed senders**, if a sender is included in a list of confirmed senders associated with any other spam filter in the network.

In the statement of rejection, the Examiner admits that Pickup does not teach or suggest these features, but relies on Fleming's personal authorized sender list to cure the deficiencies of Pickup. *See* page 7, item 14, lines 17-22 of the Office Action.

Applicant respectfully disagrees with the Examiner. Similar to Pickup's recipient whitelist, Fleming's personal authorized sender list identifies senders that are personal to a particular employee. *See* col. 5, lines 10-13. Fleming, however, provides no teaching or suggestion of using the personal authorized sender list (e.g., created by one employee) to determine if a sender is included in an authorized sender list associated with another spam filter (e.g., created by another employee). This is because the personal authorized sender list is locally stored, which keeps tracks of senders of messages locally received by the employee.

Indeed, the very nature of Fleming's personal authorized sender list is to include names of personal affiliates whom an individual employee has given authorization to send messages. Accordingly, Fleming need not use an authorized sender list of one employee to determine if a particular sender is included in a list associated with another employee, since each individual sender list is tailored to suit each individual employee.

For at least the foregoing reasons, Applicant respectfully submits that the proposed combination of Pickup and Fleming does not render claim 8 obvious. Claims 9-11 and 14 depend from claim 8, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 8. Claim 12 is canceled, rendering the rejection thereof moot.

Claim 33

Claim 33 recites in part distributing information indicating that the message sender can

receive one or more messages among a plurality of spam filters in the messaging system.

However, as discussed above, the relied upon portions of neither Pickup nor Fleming teach or suggest these features. For at least these reasons, Applicant respectfully submits that the proposed combination of Pickup and Fleming does not render claim 33 obvious. Claims 34-44 depend from claim 33, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 33.

Claim 56

Claim 56 recites in part distributing a sender's status to other spam filters.

In the statement of rejection, the Examiner admits that Pickup does not teach or suggest these features, but relies on Fleming's personal authorized sender list again to cure the deficiencies of Pickup. *See* page 15, lines 6-16 of the Office Action.

Applicant submits that the relied upon portions of Fleming do not teach or suggest distributing status information of a sender to other spam filters. Fleming's personal authorized sender list is retained by a local employee, and is not distributed to anyone in the email network because the sender list is "personalized". Because Fleming does not distribute the personal authorized sender list to any other individual, a sender's status (e.g., whether the sender is an authorized sender) is only known to the individual employee who authorizes the sender to send messages. *See* col. 5, lines 17-19.

For at least these reasons, Applicant respectfully submits that the proposed combination of Pickup and Fleming does not render claim 56 obvious. Claims 57-58 depend from claim 56, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 56.

Section 103(a) Rejections

Claims 7 and 13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup and Fleming**, and further in view of **McCormick**. McCormick has not been relied upon to cure the deficiencies of Pickup and Fleming, and therefore, also does not render claims 1 and 8 (from which claims 7 and 13 depend, respectively) obvious.

Claim 7 depends from claim 1, and also is submitted to be allowable for at least the reasons discussed above with respect to claim 1. Claim 13 is canceled, rendering the rejection thereof moot.

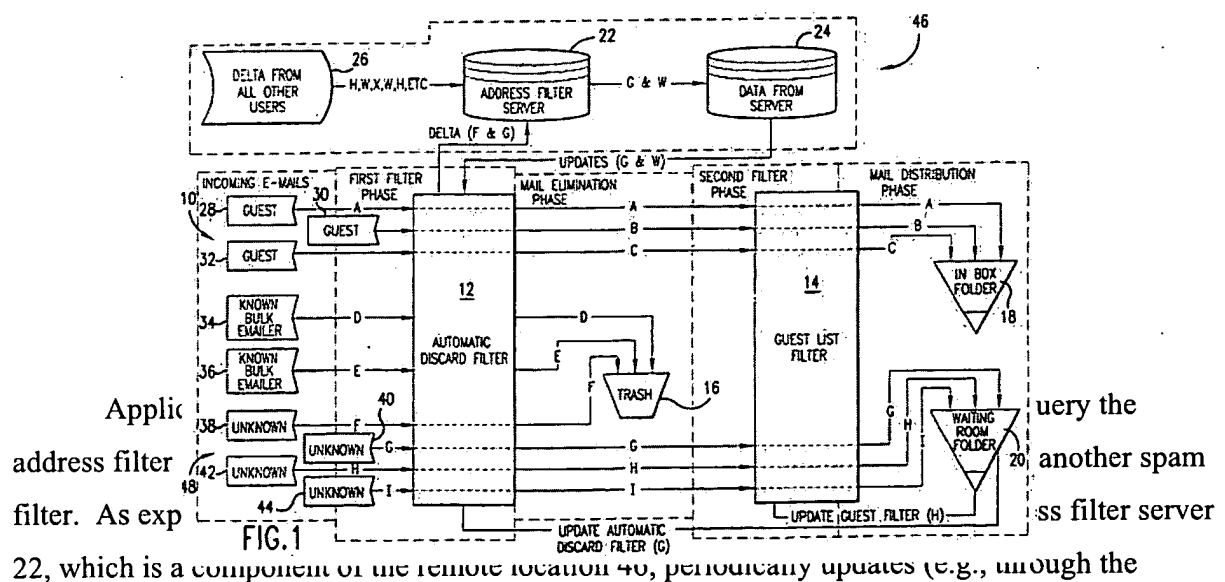
Section 103(a) Rejections

Claims 20-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pickup in view of McCormick.

Claim 20, as amended, recites in part verifying with a data center by a spam filter that a sender of a message is a confirmed message sender of one of a plurality of spam filters other than the spam filter, and if it is determined that the sender is a confirmed message sender, forwarding the received message to a recipient without separately confirming the sender by the spam filter.

Applicant submits that Pickup does not teach or suggest these features because Pickup's spam filter does not query with a data center, as already admitted by the Examiner. See page 19, item 39, lines 18-22 of the Office Action.

McCormick does not cure the deficiencies of Pickup. The Examiner asserts that McCormick's automatic discard filter 12 verifies with the address filter server 22 in order to filter out unauthorized users. *Id.*



download server 24) the automatic discard filter 12 residing in the user's personal computer 10. Because sender updates are periodically provided to the automatic discard filter 12, McCormick need not (and certainly does not) verify with the address filter server 22 again regarding whether a particular sender is an authorized sender.

Similarly, where McCormick's automatic discard filter 12 adds an email address not known to the address filter server 22, McCormick's automatic discard filter 12 only updates, as opposed to verifying, the address filter server 22 either on a periodic or automatic basis (e.g., because the address filter server 22 possesses no knowledge to the new email address). *See* col. 4, lines 51-52.

Additionally, McCormick expressly states that any email received by a user is checked against the automatic discard filter 12. *See* col. 4, lines 20-25. As such, before a message can be forwarded to a recipient, McCormick's automatic discard filter 12 always checks the identity of a sender, even if the sender is an authorized sender. McCormick, however, provides no teaching or suggest of forwarding an email to a recipient without separately confirming the sender by the spam filter (e.g., even if the sender has previously been authorized).

For at least these reasons, Applicant respectfully submits that the proposed combination of Pickup and McCormick does not render claim 20 obvious. Claims 21-23 depend from claim 20, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 20.

Section 103(a) Rejections

Claims 15-19 and 28-32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Rounthwaite**, and further in view of **Goodman**.

A. Goodman does not collect information from a plurality of spam filters

Claim 15 recites in part collecting information relating to a sender from a plurality of spam filters.

In the "Response to Argument" section, the Examiner maintains that Goodman collects information from a plurality of spam filters, relying upon paragraph [0011]. *See* page 2, item 4,

lines 2-5 of the Office Action.

Paragraph [0011] refers to assigning a minimum score to an outbound email to determine whether the outbound email is a spam email. For example, a score may be assigned to the email when the email contains a URL. *See* [0055]. Another score may be assigned to the email where the score is directly related to the probability of the email being a spam message (e.g., as determined by a machine learning system). *Id.*

Applicant submits that the scores are assigned based on information extracted from a sender's outbound email, not based on information collected from a plurality of spam filters. The scores are assigned by an administrator on the sender side as a way to monitor a user's behavior. *See* FIG. 2. There is no indication that Goodman collects any information from a plurality of spam filters. Rather, Goodman extracts information from an outbound email, where the outbound email is sent to an intended recipient only after the administrator has determined that the outbound email is not a spam email based on the overall score assigned to the outbound email. *See* [0057] – [0060].

B. Rounthwaite does not determine a trend based on the information collected relating to a sender

Additionally, claim 15 recites in part determining a trend based on information collected relating to a sender from a plurality of the spam filters.

In the “Response to Argument” section, the Examiner maintains that Rounthwaite determines a trend based on information collected relating to a sender, relying upon user votes and feedbacks. *See* page 3, lines 7-9 of the Office Action.

Rounthwaite provides a machine learning system for classifying incoming messages as spam message. *See*, Fig. 1B. Rounthwaite first receives a series of incoming messages, and identifies the recipients of these messages (5:64-66). Rounthwaite then selects a subset of the recipients with their respective messages being considered for polling (5:66-6:7). Polled messages are forwarded to the recipients with voting instructions for voting whether a specific message is a spam (7:19-32). To determine whether to select a message for polling, Rounthwaite employs the recipients' demographic information, and other attributes and properties (6:56-60).

To prevent a spammer from classifying spam messages as standard messages to skew the overall accuracies of the learning system, Rounthwaite places restrictions on message selection (e.g., placing limitations on the number of messages that may be polled for a given recipient, or on the probability of selecting a message from any given recipient) (6:62-67).

Applicant reiterates that Rounthwaite's information are criteria used for selecting messages for polling purposes, and that these criteria provide a guidance as to how a message is to be selected for polling purposes, per recipient or per time period. Rounthwaite does not identify a spammer based on these criteria. Rather, Rounthwaite identifies a spammer based on votes and feedbacks collected from the recipients (8:3-10). User votes and feedbacks, however, are not information collected from a plurality of spam filters, but each individual user. See col. 8, lines 3-10.

For at least these reasons, Applicant respectfully submits that the proposed combination of Pickup, Rounthwaite and Goodman does not render claim 15 obvious. Claims 16-19 depend from claim 15 and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 15.

Claim 28

Claim 28 recites in part collecting, using a data center, information relating to a sender from a plurality of the spam filters, and determining a trend in the collected information and identifying the sender as a spammer based on the trend.

However, as discussed above, the relied upon portions of neither Pickup, Rounthwaite nor Goodman teach or suggest these features. For at least these reasons, Applicant respectfully submits that neither Pickup, Rounthwaite nor Goodman, alone or in combination, render claim 28 obvious.

Claims 29-32 depend from claim 28, and also are submitted to be allowable for at least the same reasons discussed above with respect to claim 28.

Section 103(a) Rejections

Claims 45-49 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over

Pickup in view of **Fleming**, and further in view of **Brown**. Brown has not been relied upon to cure the deficiencies of Pickup and Fleming, and therefore, also does not render claim 33 (from which claims 45-49 depend) obvious.

Claims 45-49 depend from claim 33, and also are submitted to be allowable for at least the reasons discussed above with respect to claim 33.

Section 103(a) Rejections

Claims 50-52 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over **Pickup** in view of **Fleming**, and further in view of **Rounthwaite**. Rounthwaite has not been relied upon to cure the deficiencies of Pickup and Fleming, and therefore, also does not render claim 33 (from which claims 50-52 depend) obvious.

Claims 50-52 depend from claim 33, and also are submitted to be allowable for at least the reasons discussed above with respect to claim 33.

Conclusion

Applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the Examiner, Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

For all of the reasons set forth above, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 06-1050 and please credit any excess fees to such deposit account.

Respectfully submitted,

Date: January 30, 2009

/Alex Chan/

Alex Chan

Reg. No. 52,713

Customer No. 26181
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (877) 769-7945